

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CYNTHIA WARMBIER, *et al.*,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON,

Garnishee Defendant.

22 Civ. 09468

**FILED UNDER SEAL**

**ORDER GRANTING MOTION FOR ISSUANCE OF WRIT OF EXECUTION**

Upon due and careful consideration of Plaintiffs' *Memorandum of Law in Support of Motion for Issuance of Writ of Execution* (the "Memorandum of Law"), and all legal and factual authorities cited therein, including section 201(a) of the Terrorism Risk Insurance Act of 2002 (Terrorism Risk Insurance Act of 2002, Pub. L. No. 107-297; 116 Stat. 2337, codified at 28 U.S.C. § 1610 Note ("TRIA"), Federal Rule of Civil Procedure 69(a) and section 5230 of the New York Civil Practice Law and Rules, and Plaintiffs' supporting declarations of their counsel and expert witness, including all exhibits attached thereto, it is **HEREBY ORDERED AND ADJUDGED** as follows:

1. Based on the information set forth in the Plaintiffs' Memorandum of Law and accompanying documents and exhibits thereto, including but not limited to the factual findings of the U.S. Department of Treasury, Office of Foreign Assets Control ("OFAC") with respect to Far Eastern Bank and the expert declaration and conclusions of Professor Sung-Yoon Lee, the Court finds that:

- a. Far Eastern Bank is an agency and/or instrumentality of the Democratic People's Republic of Korea ("North Korea") as those terms are defined for purposes of

TRIA. This finding is based, *inter alia*, on the material assistance, including banking services, that Far Eastern Bank provided to Air Koryo, the national airline of North Korea and other North Korean government organizations.

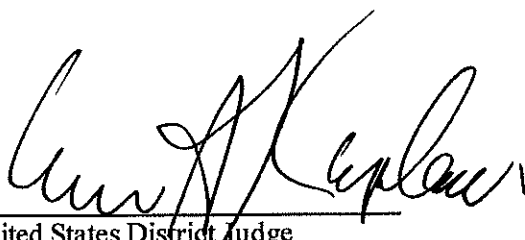
- b. The funds described in Plaintiffs' Memorandum of Law, specifically, approximately \$2,131,241.43 currently held in a deposit account of Far Eastern Bank and maintained at The Bank of New York Mellon ("BNY"), constitute assets of Far Eastern Bank, and are accordingly blocked assets by virtue of OFAC's May 27, 2022 designation of Far Eastern Bank and the blocking of its assets.

2. The Clerk of the Court is hereby directed to (i) issue the writ of execution in the <sup>hereto</sup> form attached to the Memorandum of Law as Exhibit B, and deliver a copy to Plaintiffs to cause service and levy on the garnishee through the U.S. Marshals Service and (ii) file the issued writ of execution under seal;

3. Notwithstanding the sealing provisions contained herein, Plaintiffs are authorized to take actions necessary to satisfy any legal reporting obligations to OFAC.

**SO ORDERED.**

Dated: Dec. 23, 2022

  
United States District Judge  
For the Southern District of New York